

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**JANIE SAMUEL,  
AS ADMINISTRATOR OF  
THE ESTATE OF  
CATHY LYNN TUBBS, et al.,**

**Plaintiffs,**

**-VS-**

**STEVEN M. HOOG, et al.,**

## Defendants.

**Case No. C-1-02-378**

**Judge Michael R. Barrett**

**JOINT MOTION TO VACATE TRIAL  
DATE AND MODIFY SCHEDULING  
ORDER**

Plaintiffs, Janie Samuel, et al. and Defendants Steven M. Hoog, et al., hereby jointly move for an order modifying the scheduling order in order to allow for an extension of the trial schedule and the establishment of a scheduling order with preliminary case management dates.

A memorandum in support is attached hereto and a proposed Order will be sent to the Court's general e-mail address at [barrett\\_chambers@ohsd.uscourts.gov](mailto:barrett_chambers@ohsd.uscourts.gov) for the Court's consideration.

Respectfully submitted,

s/ Peter J. Stackpole (by Ward Washington  
per auth.)

**Peter J. Stackpole, Esq. (0072103)**  
**City of Cincinnati Solicitor's Office**  
**801 Plum Street, Room 214**  
**Cincinnati, OH 45202**  
**Telephone – (513) 352-3350**  
**Facsimile – (513) 352-1515**  
**[Peter.stackpole@cincinnati-oh.gov](mailto:Peter.stackpole@cincinnati-oh.gov)**

## Trial Attorney for Defendants

s/ Barbara Bison Jacobson

Barbara Bison Jacobson (0014190)  
Ward Blair Washington (0076911)  
Vorys, Sater, Seymour and Pease LLP  
221 East Fourth Street, Suite 2000  
P.O. Box 236  
Cincinnati, Ohio 45202  
Telephone – (513) 723-4016  
Facsimile – (513) 852-8481

### Trial Attorney for Plaintiffs

Kimberly A. Rutowski, Esq. (0076653)  
Hardin Lefton Lazarus & Marks LLC  
Cincinnati Club Building  
30 Garfield Place, Suite 915  
Cincinnati, OH 45202  
Telephone – (513) 721-7300  
Facsimile – (513) 721-7008

Co-Counsel for Defendants



Both parties have responded to discovery deposition requests and nine depositions have been taken to date. Additional discovery and time in order to prepare for trial is needed, however. The parties therefore jointly request that the Court vacate the current trial date and scheduling order to permit a reasonable period in which to conduct discovery and prepare for trial. The parties request that the trial of this matter be set for September 27, 2007, or as soon thereafter as is convenient for the Court.

Respectfully submitted,

s/ Peter J. Stackpole (by Ward Washington  
per auth.)

Peter J. Stackpole, Esq. (0072103)  
City of Cincinnati Solicitor's Office  
801 Plum Street, Room 214  
Cincinnati, OH 45202

Trial Attorney for Defendants

Kimberly A. Rutowski, Esq. (0076653)  
Hardin Lefton Lazarus & Marks LLC  
Cincinnati Club Building  
30 Garfield Place, Suite 915  
Cincinnati, OH 45202  
Telephone – (513) 721-7300  
Facsimile – (513) 721-7008

Co-Counsel for Defendants

s/ Barbara Bison Jacobson

Barbara Bison Jacobson (0014190)  
Ward Blair Washington (0076911)  
Vorys, Sater, Seymour and Pease LLP  
221 East Fourth Street, Suite 2000  
P.O. Box 236  
Cincinnati, Ohio 45202  
Telephone – (513) 723-4016  
Facsimile – (513) 852-8481

Trial Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF which will send notification of such filing to Peter J. Stackpole, Esq., City of Cincinnati Solicitor's Office, 801 Plum Street, Room 214, Cincinnati, OH 45202; and Kimberly A. Rutowski, Esq., Hardin Lefton Lazarus & Marks LLC, 30 Garfield Place, Suite 915, Cincinnati, OH 45202.

s/ Ward B. Washington

Ward B. Washington